

Patent
Attorney Docket: LYNN/0152

REMARKS

The Examiner has required a restriction to one of the following inventions:

- I. Claims 1-26, 40-43 and 45-48, drawn to a method of assembling an electrochemical cell, classified in class 156, subclass 285.
- II. Claims 27-39 and 44, drawn to a subassembly of electrochemical cell components, classified in class 429, subclass 149.

Applicant elects to prosecute claims 1-26, 40-43 and 45-48, drawn to a method of assembling an electrochemical cell. Claims 27-39 and 44 will be withdrawn from consideration.

The Examiner has further required a restriction between Species A (appears to be claims 1-26, 40-43) and Species B (appears to be claims 45-48). Applicant provisionally elects to prosecute the claims drawn to Species A with traverse. As the MPEP states, "If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions." MPEP § 803. Applicant respectfully requests that the Examiner reconsider and withdraw the restriction requirement as to Species A and Species B as not requiring a serious burden as to the search and examination of claims drawn to these different species.

The Examiner has further required election of a subspecies from:

- Sub-subspecies Aix – claims 5-7;
- Sub-subspecies Aiy – claims 8-9 and 11-13;
- Sub-subspecies Aii – claims 14, 43; and
- Sub-subspecies Aiii – claims 41-42.

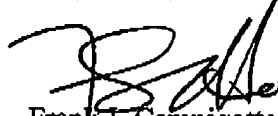
Applicant provisionally elects to prosecute Sub-species Aix – claims 5-7 with traverse. As the MPEP states, "If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or

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distinct inventions." MPEP §.803. Applicant respectfully requests that the Examiner reconsider and withdraw the restriction requirement as to the sub-species as not requiring a serious burden as to the search and examination of these claims.

In the event there are additional charges in connection with the filing of this Response, the Commissioner is hereby authorized to charge the Deposit Account No. 50-0714/LYNN/0152 of the firm of the below-signed attorney in the amount of any necessary fee.

Respectfully submitted,



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